

walkways are disturbed during installation or operation of these communications systems, then ADA does not require any changes to nearby walkways.

4.) Public Websites or Kiosks

ITS Integration Projects sometimes include a website, which may be accessible to the public or restricted to designated parties. If the website (or kiosk) will be available to the public (e.g. for distributing traveler information), then it must meet the requirements of Section 508 of the Rehabilitation Act of 1973 (as amended in 1998). This means that the website must include features that enable the use of "assistive technology", by people with certain types of disabilities. Section 508 is a requirement for recipients of federal funds and for federal agencies. If the kiosk or website is not intended for public use, then both the recipient and the federal agency must ensure that accessibility for the information on the technological device is available for any employees.

For more information on ADA Requirements, please see the following websites:
www.ADA.gov and www.section508.gov.

13.8 RIGHT OF WAY

Generally, new right of way is rarely needed for ITS projects. Easements may be needed for communications cabling. Occasionally, an ITS project may involve utility relocations or the purchase of right of way for construction of a traffic management center building or information kiosk. For guidance on right of way procedures, see Chapter 13, "Right of Way" of the LAPM.

13.9 PROCUREMENT / CONSTRUCTION

The federal-aid procurement regulations as set forth in 23 CFR 172, 635, 655, and 49 CFR 18, define the requirements that state and local agencies must adhere to when procuring projects with federal-aid highway funds. These procurement regulations identify possible contracting options available for designing and constructing projects including such contracts as "engineering and design related services," "construction," and "non-engineering/non-architectural." The regulations also require use of competitive contract award procedures for any project financed by federal highway funds.

The regulations require state and local agencies to award:

- Construction contracts on the basis of competitive bidding,
- Engineering and Design services contracts on the basis of qualifications-based selection,
- Non-engineering/non-architectural contracts use state approved procurement procedures in accordance with 49 CFR 18.

The procurement approach required for construction projects (as defined by 23 USC 101 and the related FHWA regulations) does **NOT** always apply to ITS projects. Many standalone ITS projects do not meet the FHWA definition of construction.

- **ITS Construction** – If field devices and/or communications infrastructure are being physically installed in the roadway, then that work and required equipment usually meets the definition of construction. Examples are the purchase and installation of new traffic signals, new controller cabinets, vehicle detectors, and conduit for cabling.